

CHAPTER 42. CITY OF BREWER EMERGENCY MANAGEMENT ORDINANCE

ARTICLE 1. ESTABLISHMENT AND PURPOSE.

SECTION 100. Purpose.

It is the intent and purpose of this Ordinance to establish within the City of Brewer a structure to manage widespread public emergencies and meet federal and State guidelines for such operations. It is the intent of this ordinance to remain consistent with the provisions of Title 37-B M.R.S.A. Section 781, et seq.

ARTICE 2. OPERATIONS.

SECTION 200. Definitions.

The following definitions shall apply in the interpretation of this ordinance:

SECTION 200.1. Emergency Management Agency. “Emergency Management Agency” means the organization created under this ordinance for the preparation and for the carrying out of all extraordinary emergency functions and operations, other than functions for which military forces are primarily responsible, in addition to the normal operations of other City departments, in order to minimize damage that could or is resulting from disasters or catastrophes caused by enemy or terrorist actions, sabotage, riots, large scale fires, floods, earthquakes, hurricanes or other natural or man-made causes. These functions are and include coordinated operation of the City departments of Police, Fire, Rescue, Emergency Medical, Health, Welfare, Public Works, Engineering and any other City departments which could reasonably render assistance in time of extreme need. The Brewer Emergency Management Agency will be the coordinating agency and authority for planning, provision and allocation of critical materials, supplies and transportation and other related activities to protect the civilian population and ecology of Brewer from the listed types of disasters at the time of such events.

SECTION 200.2. Emergency Management Agency Forces. “Brewer Emergency Management Agency Forces” shall mean and include the employees, equipment and facilities of all City departments, boards, institutions and commissions, and in addition, shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

SECTION 200.3 Director. The Brewer City Council will appoint a City employee to act as the “Director” of Emergency Management for the City of Brewer. The term of this appointment shall be as set by the City Council. The Director shall participate in planning meetings and training and involve other City department heads in such planning as needed. The City Council may also select a City employee and appoint him/her as Deputy Director for the Brewer Emergency Management Agency and set annual compensation for both the Director and Deputy Director. The Director will work immediately under the City Manager and maintain a communication with other emergency management agencies and public safety agencies.

SECTION 200.4 Disaster. “Disaster” means the occurrence or immediate reasonable threat of serious widespread or long term severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to: fire; flood; hazardous materials release; wind storm; wave action; hurricane; tornado; riot; enemy action; pandemic; aircraft crash; transportation, communication or energy supply distribution.

SECTION 201. Organization.

The appointed Director and deputy Director of the Brewer Emergency Management Agency shall be responsible for the agency’s organization, administration and operation. The administration will include use of any budget for this agency provided by the Brewer City Council or from various State or federal agencies. The operations in times of no declared emergency will include planning and training for emergency operations.

Operations at the time of a declared emergency will include the deployment of City staff and resources in a coordinated operation to mitigate the emergency. In major emergencies the Director or Deputy Director may hire temporary employees and volunteers to reasonably mitigate the emergency at hand. This will include prescribing the duties of any temporary employees and or volunteers.

SECTION 202. Rules, Regulations and Plans.

The Brewer Emergency Management Agency, under the leadership of its Director, will formulate plans and policies deemed necessary for the administrative and operational requirements of the agency to complete its mission. The policies will be devised in consensus meetings with other City departments and other agencies and businesses involved in the plan.

SECTION 203. Emergency Proclamation / Declaration.

In the event of a public disaster or catastrophe the Brewer Emergency Management agency will go into operation when one of the following things happens, A) The Brewer City Council declares there to be an emergency of sufficient scale to require action by the EMA, this proclamation shall create an authorization to the EMA Director to undertake emergency operations for up to 5 days before it must be re-authorized by City Council action or the emergency authority shall have ended. 2) The Brewer City Manager (or in his / her absence the Assistant City Manager) declares there to be an emergency of sufficient scale to require action by the EMA, this proclamation shall create an authorization to the EMA Director to undertake emergency operations for up to 3 days before it must be re-authorized by City Council action or the emergency authority shall have ended. 3) The City Council is unable to meet and an emergency of sufficient scale causes a need to put the EMA into operation then the Chairman of the City Council (or in the absence of the City Council Chairman the Deputy City Council Chairman) can declare a state of emergency that will authorize the EMA Director to begin emergency operations. After 3 days this authorization will end and can only be re-authorized by an action of the City Council. 4) In cases where because the situation at hand has created conditions in which the City Council cannot meet or communicate to the EMA Director nor can the City Manager (or Assistant City Manager) nor City Council Chairman (or Deputy City

Council Chairman) communicate to the EMA Director a committee of the Brewer Chief of Police and the Chief of the Brewer Fire Department may together declare there to be an emergency of sufficient scale to require action by the EMA, this proclamation shall create an authorization the EMA Director to undertake emergency operations for up to 3 days before it must be reauthorized by the Brewer City Council or the emergency authorization shall have ended.

SECTION 204. Termination of Emergency Proclamation / Declaration.

At the end of the term of any declared disaster or when the City Council votes that the disaster declaration is no longer needed then the emergency operations of the Brewer Emergency Management Agency will end. At that time the EMA will assist other City departments with any remaining immediately necessary recovery operations. The EMA will stand down as an active emergency management agency and return to normal planning and readiness activities. Only an action by the City Council can extend an active emergency declaration. All such extensions should have a set term and end at that time unless cancelled earlier by the City Council or again extended by the City Council.

SECTION 205. Duties and Emergency Powers.

During the period when any emergency proclamation or declaration is in effect the EMA Director, as circumstances will allow, in consultation with the City Manager, Chairman of the City Council, Police Chief and Chief of the Fire Department, may promulgate such regulation as he / she deems necessary to protect life, property and the environment. This will include rules and actions to preserve critical resources within the purpose of this ordinance. Such regulation and administration may include, but is not limited to, the following:

- 1) Regulations prohibiting or restricting movement of persons or vehicles into or out of areas of the City or the entire City.
- 2) Regulations pertaining to the movement or restriction of persons from hazardous areas or zones of the City.
- 3) Declaration of Citywide or selected area curfews.
- 4) Emergency distribution of or holding of critical resources.
- 5) Dissemination of emergency directives and information including causing public media to broadcast or publish such directives or information.
- 6) Issue and enforce declarations of quarantine.
- 7) Expend money to acquire critical supplies and hire extra emergency services and personnel to be paid from City funds or anticipated receipt of relief grants.

SECTION 206. Emergency Operations Plan.

The Emergency Management Director shall prepare an all hazards Emergency Operations Plan (EOP) for Brewer, which shall be submitted to the City Council for approval. The EOP shall incorporate the functional concepts of the National Emergency Management System (NIMS) and the Incident Command System (ICS).

SECTION 207. Immunity from Liability.

All Emergency Management Agency Forces, while engaged in EMA activities, both planning and operations, shall be immune from liability as set forth in Title 37-B M.R.S.A. Section 822, as the same may be amended from time to time.

SECTION 208. Compensation for Injuries.

All Emergency Management Agency Forces shall be deemed to be employees of the State when engaged in training or on duty and shall have all of the rights of State employees under the Workmen's Compensation Act, as set forth in Title 37-B M.R.S.A. Section 823, as the same may be amended from time to time.

ARTICLE 3. VIOLATIONS AND ENFORCEMENT.

SECTION 300. Violation of Regulations.

It shall be unlawful for any person to violate any provisions of this Ordinance or violate the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this Ordinance or any regulation or plan issued hereunder.

SECTION 301. Enforcement.

Law enforcement officers shall have the enforcement authority set forth under Title 37-B M.R.S.A. Section 786, as the same may be amended from time to time.

SECTION 302. Penalty.

Any person, firm or corporation violating any provision of this Ordinance or any rules or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) and the costs of prosecution, including but limited to the City's attorney fees and costs.

ARTICLE 4. GENERAL PROVISIONS.

SECTION 400. Severability.

Should any provision of this Ordinance be found invalid by a competent court of jurisdiction for any reason, such finding shall not affect the validity of other provisions or of this entire Ordinance, it being the legislative intent that the provisions of this Ordinance shall be severable and remain valid notwithstanding such declaration.

SECTION 401. Conflicting Ordinances, Orders Rules and Regulations Suspended.

At all times when an emergency proclamation is in effect the orders rules and regulations made and promulgated pursuant to this Ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as those existing ordinances, rules and regulations may be inconsistent with the emergency proclamation and orders hereunder.

END OF CHAPTER NOTATIONS

1. Enacted March 18, 2008 Effective March 23, 2008